THE HON'BLE MS JUSTICE G. ROHINI

W.P.No.17710 of 2006

Dated: 01-09-2006

Between:

Today Co-operative Society, toddy Group of Khammam, at Khammam rep. by its President G. Raghavaiah.

..Petitioner

and

The Prohibition and Excise, Superintendent, Khammam District, Khammam and others.

..Respondents.

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W.P.No.17710 of 2006

ORDER:

The writ petitioner is a Toddy Co-operative Society. This writ petition is filed declaring the notices issued by the 1st respondent-Prohibition and Excise Superintendent calling upon the petitioner to show cause as to why the licence of the toddy shops bearing Nos.2,4,5,7,9,11 and 13 as well as the depot should not be cancelled, as arbitrary and illegal.

The impugned notices show that on 06-07-2006 the shops in question were inspected by the District Task Force Officer, Khammam and the toddy available was tested in the presence of the panchas. Having found that the toddy available was adulterated with Chloral Hydrate the licences of the shops were suspended pending enquiry.

The petitioner denied the said allegation and made an application in terms of Rule 24 of the Andhra Pradesh Excise (Arrack and Toddy Licenses General Conditions) Rules, 1969 requesting the 1st respondent to send the second sample to an independent laboratory for analysis. The only grievance of the petitioner is that the 1st respondent without considering his request to send the second sample for analysis to an independent laboratory has been proceeding with enquiry, which is arbitrary

and illegal.

Though no counter affidavit is filed, the learned Government Pleader, under instructions, has submitted that considering the application of the petitioner made under Rule 24 of the Rules, the second sample was already sent to an independent laboratory for analysis.

Therefore, I am of the opinion that it would be appropriate for the respondents to await the report of the independent laboratory in respect of the second sample drawn from the shops of the petitioner. Since the licences of the shops in question were suspended pending enquiry and as on today the petitioner is not carrying on business, no prejudice would be caused to any of the parties by adopting such procedure. The petitioner states that in respect of the impugned show cause notices explanations have already been submitted.

Accordingly, the Writ Petition is disposed of with a direction to the respondents not to pass any final order pursuant to impugned notices till the report of the independent agency in respect of the second sample drawn from the shops in question is received. No costs.

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G. ROHINI, J

Dated: 01-09-2006

Note:
Issue CC by Monday.

(Bo)

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